

**REMARKS**

Claims 1, 3 and 6 are amended herein. Support for the amendment is found, for example, in the original claims. No new matter is presented.

**I. Response to Claim Objections**

Claim 3 is objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim for the reasons set forth on pages 2-3 of the Action.

Claim 3 is amended herein and rewritten in independent form, thereby obviating the rejection. Accordingly, Applicants respectfully request withdrawal of the objection.

**II. Response to Claim Rejections Under 35 U.S.C. § 102**

Claims 1-14 and 21-25 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Furukawa (U.S. Patent No. 6,569,603 B2).

Claims 1 and 6 are amended herein to recite that Z in formula (I) represents an oxygen atom, a sulfur atom or N-R<sup>15</sup>. Furukawa et al does not disclose a compound within the scope of the amended claims wherein Z is an oxygen atom, a sulfur atom or N-R<sup>15</sup>. Thus, for at least this reason, Furukawa does not anticipate the presently claimed invention as recited in amended independent claims 1 and 6 and the claims dependent thereon.

Further, claim 3 is amended herein as an independent claim and recites a polymerizable composition comprising a binder polymer having a repeating unit represented by formula (I)

and a repeating unit having an amide group; an infrared absorbent; a polymerization initiator; and a polymerizable compound.

Furukawa does not specifically describe a polymer containing a repeating unit represented by formula (I) of the present invention and a repeating unit having an amide group. For at least this reason, Furukawa does not anticipate amended claim 3.

Further, the invention of amended claim 3 provides unexpectedly superior results over the prior art as shown in the attached Declaration. As shown in the attached Declaration, the development velocity of the polymer recited in amended claim 3 is very stable during storage. Thus, Furukawa does not disclose, teach or suggest the presently claimed invention as recited in amended claim 3.

Accordingly Applicants respectfully request withdrawal of the §102 rejection.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111  
U.S. App. Ser. No. 10/673,332

Q77298

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

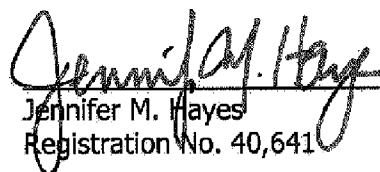
Respectfully submitted,

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Date: September 29, 2006